

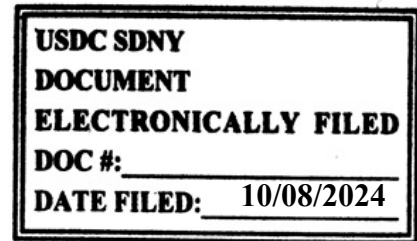
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October 8, 2024

The Honorable Katherine H. Parker
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312



MEMO ENDORSED

Re: 1:24-cv-05657-AKH-KHP; Plaintiff's Request for an Extension of Time Within Which to Effectuate Service and to Adjourn the Initial Pretrial Conference Scheduled for October 29, 2024 at 2:30 p.m.

Dear Judge Parker,

The James Law Firm, PLLC represents Plaintiff in the above captioned matter. This matter has been filed as a John Doe against the internet subscriber assigned the referenced IP address. Plaintiff respectfully requests an extension of the time within which to effectuate service on John Doe and for an adjournment of the Initial Pretrial Conference currently scheduled for October 29, 2024 at 2:30 p.m. and for the resetting of all proposed scheduling deadlines until after the Defendant has been named and served.

On July 25, 2024, Plaintiff filed the instant case against John Doe subscriber assigned IP address 173.3.166.240 claiming Defendant's direct infringement of Plaintiff's works through BitTorrent protocol.

Because Defendant is only known to Plaintiff by Defendant's IP address, on August 12, 2024, Plaintiff filed a Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference ("Motion for Leave") in order to serve a third party subpoena on Defendant's ISP.

On August 13, 2024, the Court granted Plaintiff leave to serve a third-party subpoena on Defendant's ISP to obtain the Defendant's identifying information. Plaintiff issued the subpoena on or about August 16, 2024, and, in accordance with the time allowances provided to both the subscriber and the ISP, expects to receive the ISP response on or about December 24, 2024.

On July 31, 2024, the Court entered an Initial Case Management Conference Order setting the Initial Conference for October 29, 2024 at 2:30 p.m. Prior to the Initial Case Management Conference, the parties are required to confer and submit to the Court a proposed Case Management Statement. Because Plaintiff does not expect to receive the ISP response until December 24, 2024, Plaintiff is unable to anticipate the specific information required in the

proposed Case Management Statement, including issues such as timing, electronic discovery, or even whether Plaintiff will ultimately proceed against Defendant.

Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than October 23, 2024. Plaintiff respectfully requests that the deadline to effect service be extended for sixty (60) days from December 24, 2024 (the date Plaintiff expects to receive the ISP response), and thus the deadline to effect service be extended to February 22, 2025.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended to February 22, 2025, and the Initial Pretrial Conference currently scheduled for October 29, 2024 is adjourned until after the Defendant has been served with the summons and Amended Complaint.

Respectfully Submitted,

By: /s/Jacqueline M. James
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APPLICATION GRANTED: Plaintiff's deadline to effect service on the Defendant is hereby extended for sixty (60) days to February 22, 2025.

The Initial Case Management Conference set for 10/29/2024 at 02:30 PM in Courtroom 17D, 500 Pearl Street, New York, NY 10007 is hereby rescheduled to Monday, March 3, 2025 at 11:00 a.m.

APPLICATION GRANTED


Hon. Katharine H. Parker, U.S.M.J.

10/08/2024